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REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 1-28 are pending in the application.

Claims 1-28 have been rejected.

Claims 12, 15 and 26 have been amended in this paper.

Claim 13 has been cancelled without prejudice.

CLAIM REJECTIONS

35 U.S.C. § 102 Rejections

In the Office action, the Examiner rejected claims 1-28 under 35 U.S.C. § 102(e), as being anticipated by US Patent Publication No. 2004/0203685 (Woodward, et al.).

The critical period for establishing reasonable diligence is from just prior to the filing date of the Woodward reference, i.e. November 26, 2002, to the filing date of the present application, i.e. June 30, 2003.

Applicants have previously submitted affidavits demonstrating invention prior to the filing date of the Woodward reference. The Examiner has responded that "it is not unreasonable to require an explanation of 3 months of time." As the Examiner knows, it takes time to digest an invention disclosure, draft a patent applications, confer with inventors, revise drafts, etc. Moreover, Applicant reiterate that the reasonable diligence standard does not require that "an inventor or his attorney ... drop all other work and concentrate on the

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particular invention involved. . .” *Bey v. Kollonitsch*, 866 F.2d 1024, 231 USPQ 967 (Fed. Cir. 1986). Accordingly, with due respect, in Applicants’ view, the submitted facts suffice to demonstrate diligent activity on the part of Applicants.

Moreover, for at least the reasons stated below, the claims of the present application and the claims of Woodward are not directed to the same patentable invention. Accordingly, Applicants respectfully traverse the rejection under 35 USC Section 102(e).

Substantively, Applicants respectfully disagree that the Woodward reference discloses all elements of the pending claims 1-28.

The Examiner is reminded that in order to make out a prima facie case of anticipation under Section 102, every element of the claim must be disclosed in a single reference.

The Woodward reference, entitled “Portable communication device having a service discovery mechanism and method therefore” discloses:

... a portable computing or communication device includes nodes that may request a service to be performed or a server that may be able to provide the service. The nodes may include a service manager that may keep track of what services are available to that particular node. (Abstract)

The Examiner specifically refers to paragraphs [0035] to [0037]. For convenience, paragraph [0037] is set forth below in full:

[0037] When a service client 211 has a request or a need for a service (e.g. service 225), it may query service manager 205 to determine if that particular service is available within portable communication device 50. If the service is available, service client 211 may work with connection manager 212 and service manager 205 to enable use of that service. In addition, Service manager 205 and service client 211 may provide transparency of the service 225 by allowing the query of service manager 205 to locate the service across different physical implementations of the same service or to replicate the service for improved performance or reliability.

Woodward therefore teaches that when client has a request or a need for a service, it may determine whether that particular service is available within portable communication device.

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That is, Woodward teaches determining whether a shared device includes certain services desired by a client.

Regarding claim 1, Woodward does not disclose an apparatus comprising "a computer . . . to provide the requesting device with directions to locate the sharing device having the desired capability."

Regarding claim 5, Woodward does not disclose "a locator to provide a location information to a server that is able to provide directions to locate a sharing device having the desired capability in a vicinity of the server."

Similarly, Woodward does not disclose "wherein the locator comprises a radio triangulation system" as recited in claim 10, or "wherein the radio triangulation system comprises a global positioning system" as recited in claim 11.

Respectfully, the Examiner's reference to Woodward para. [0028] as a basis for rejection of claims 10 and 11 is misplaced. The GPS listed in Woodward is a service provided by a shared device, not a locator associated with a device requesting the service. It would not make sense to include a GPS in the requesting device of Woodward, because then there would be no need for such a device to request GPS services.

Regarding claim 12, Woodward does not disclose "a computer to match a request to share a desired capability by comparing data of a requesting device in a requesting devices presence data with data of a sharing device having the desired capability in the vicinity of the requesting device in a sharing devices presence data and to provide to the requesting device directions to the sharing device having the desired capability."

Regarding claim 15, Woodward does not disclose "providing the requesting device with directions to locate the sharing device having the desired capability."

Regarding claim 22, Woodward does not disclose "a locator to provide a location information to a server that is able to provide directions to locate a sharing device having the desired capability in a vicinity of the server."

Similarly, regarding claim 25, Woodward does not disclose "wherein the locator comprises a global positioning system (GPS) receiver." Respectfully, the Examiner's reference to Woodward para. [0028] as a basis for rejecting claim 25 is misplaced. The GPS listed in Woodward is a service provided by a shared device, not a locator associated with a

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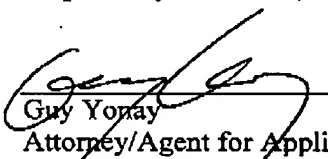
Regarding claim 26, Woodward does not disclose an article comprising a storage medium having stored thereon instructions that, when executed by a processing platform, result in "providing the requesting device with directions to locate the sharing device having the desired capability."

In view of the foregoing remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,


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